IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Bail Appl..No. 3659 of 2007()

CRIME 332/07 OF ERNAKULAM TOWN NORTH POLICE STATION

PETITIONERS/ACCUSED NO.1 AND 2:

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1. BIJU PARAMU, AGD 35,
   VIBGYOR VISION, DURBAR HALL ROAD, ERNAKULAM.

2. BOBBY A.TITUS, AGED 34,
   ANUGRAHA, NEAR L.F.CHURCH, POTTAKUZHI, KALOOR.

BY ADV. SRI.C.R.RADHAKRISHNAN

RESPONDENTS: COMPLAINANT:

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1. SUB INSPECTOR OF POLICE,
   ERNAKULAM TOWN NORTH POLICE STATION.

2. STATE OF KERALA,
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 3659 of 2007

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Dated this the 19th day of June, 2007

O R D E R

Application for anticipatory bail. The petitioners face allegations under Sections 420 r/w. 34 I.P.C. The crime was registered on the basis of a private complaint filed before the learned Magistrate and referred to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The crux of the allegations against the petitioners as explained by the learned Prosecutor is that the first petitioner, with the assistance of the second petitioner, had offered a property to the defacto complainant for sale. He had received an advance. He has committed breach of the obligation under the agreement. Property has not been assigned. Advance amount is not returned. This in short is the allegation.

3. I find merit in the submission of the learned counsel for the petitioner that on these allegations the petitioners do not deserve to suffer the trauma of arrest and incarceration. I am satisfied that this

is a fit case where the discretion under Section 438 Cr.P.C. can and ought to be invoked in favour of the petitioners, subject to appropriate terms and conditions.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 26.6.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 4 p.m. on 27.6.07 and 28.7.2007 and thereafter shall appear as and when directed by the Investigating Officer in writing to do so.

(d) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 26.6.06 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(b) If the petitioners were arrested prior to their surrender on 26.6.2006 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 26.6.2007.

(R. BASANT)
Judge

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